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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,610	05/11/2005	Torsten Mueller	MTS124873	6532
26389 7590 12/15/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
LEVI, DAMEON E				
ART UNIT		PAPER NUMBER		
2841				
MAIL DATE		DELIVERY MODE		
12/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,610

Applicant(s)

MUELLER ET AL.

Examiner

DAMEON E. LEVI

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/13/2008(Amendment).
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 20-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31,20, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sucharczuk et al US Patent 6498732 in view of Mallory et al US Patent 4964018.

Regarding claim 31, Sucharczuk et al discloses an assembly comprising:

a front side of the device(element 30, Figs 1A-9A), a rear side of the device(element 31, Figs 1A-9A), and an interior of the device(element 41, Figs 1A-9A), wherein the front side of the device comprises an information-output device (element 20, Figs 2A-2C) affixed thereon and a recess (elements 24,26 Figs 2A-2C) providing access to the interior of the device; and

a plug-in measuring device module (element 50, Figs 1A-9A), that is inserted from the rear of the device and connected via a plug-and-socket panel (element 20, Figs 4A-4C) to the information-output device, wherein an electrical connection(element 25, 23,Figs 4A-4C) on the plug-in measuring device module projects through the recess on the front side of the device(Figs 6A-7B) and is capable of transmitting input and output of signals.

Regarding claim 20, Sucharczuk et al discloses characterized in that at least a part of the measuring-device module provides electrical contacts (element 28, Figs 4A-4C), which are accessible from the rear side of the measuring device.

Regarding claim 24, Sucharczuk et al discloses characterized in that the plug-and-socket panel (element 20, Figs 4A-4C) is mounted in such a manner that it can be displaced within a receiving device in at least one plane perpendicular to the direction of insertion of the measuring-device modules.

Regarding claim 25, Sucharczuk et al discloses characterized in that, in order to retain the measuring-device modules ,a rear cover is provided for the measuring-device housing, which cover has at least one recess through which connections of the measuring-device modules orientated towards the rear of the housing are accessible(elements 20,31 Figs 4A-4C).

Regarding claim 26, Sucharczuk et al discloses characterized in that insertion elements (elements 20 Figs 9B)can be inserted into the cover of the measuring device housing in order to cover the cooling-air gaps between the measuring-device modules and/or blank elements.

Regarding claim 27, Sucharczuk et al discloses characterized in that each measuring-device module (element 50, Figs 1A-9A) is formed as a functional unit, and that data can be transferred via a bus system either between various measuring-device modules or to the information-output device.

Regarding claim 28, Sucharczuk et al discloses characterized in that the information-output device is designed as an input/output device(element 20, Figs 2A-2C).

Regarding claim 29, Sucharczuk et al discloses characterized in that at least one measuring- device module (element 50, Figs 1A-9A) is designed as a computer module for controlling data transfer via the bus system.

Regarding claim 30, Sucharczuk et al discloses characterized in that a plug-in power pack (element 28, Figs 1A-9A) is provided, which is also connected to the plug-and-socket panel via an electrical plug-connection, wherein the power supply to the measuring-device modules is provided via the bus system.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sucharczuk et al US Patent 6498732 in view of Mallory et al US Patent 4964018 and further in view of Porter US Patent 5808866.

Regarding claim 21, Sucharczuk et al and Mallory et al discloses the instant claimed invention except characterized in that for each measuring-device module to be accommodated, at least one guide component for the guidance of the measuring-device modules is provided, wherein the at least one guide component provides a resilient, deformable guide element for the resilient mounting of the measuring-device module.

Porter discloses an assembly characterized in that for each measuring-device module to be accommodated, at least one guide component (elements 29, Figs 1A-5) for the guidance of the measuring-device modules is provided, wherein the at least one guide component provides a resilient, deformable guide element for the resilient mounting of the measuring-device module.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a resilient, deformable guide element as taught by Porter in the assembly of Sucharczuk et al Mallory et al for the purpose of accommodating for shock and vibration of the assembly.

Regarding claim 22, Sucharczuk et al Mallory et al discloses characterized in that the guide components for adjacent measuring-device modules are spaced at a distance such that a cooling-air gap is formed between adjacent measuring-device modules(Figs 8, 9A, 9B).

Regarding claim 23, Sucharczuk et al Mallory et al discloses the instant claimed invention except characterized in that the resilient, deformable guide elements are formed by resilient tongues arranged in a row.

Porter discloses characterized in that the resilient, deformable guide elements are formed by resilient tongues (14) arranged in a row(elements 29,Figs 1A-5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the resilient guides in a row as taught by Porter in the assembly of Sucharczuk et al Mallory et al for the purpose of accommodating for shock and vibration of the assembly.

Response to Arguments

Applicant's arguments with respect to claims 20-31 have been considered but are moot in view of the new ground(s) of rejection.

Additional Comments

Regarding a recitation that an element is "capable of" performing a function, it has been held that such recitations are not positive limitations ,and, only requires the ability to so perform. In this case, the prior art of record is construed by the Office as at least possessing such ability.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi
Examiner
Art Unit 2841

/Dameon E Levi/
Primary Examiner, Art Unit 2841